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JUL 21 2004

S-92,235**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****OFFICIAL**

Applicant : Marshall H. Mendelsohn
Serial No. : 09/842,818
Filed : April 27, 2001
Group : 1741
Examiner : Medina Sanabria, Maribel
Customer No.: 31970
Title : Method for Combined Removal of Mercury and Nitrogen
Oxides From Off-Gas Streams

**PETITION FOR THE WITHDRAWAL
OF THE HOLDING OF ABANDONMENT**

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

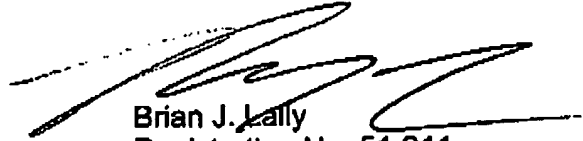
ATTN: OFFICE OF PETITIONS

Sir:

This Petition is being resubmitted in response to a Notice of Abandonment issued for the above-identified application. The original petition was filed on March 11, 2004, a USPTO dated stamped copy attached herewith, however, the PTO has no record of such petition. Therefore, Applicants are resubmitting this petition for Withdraw of Holding of Abandonment. Applicants kindly request that this resubmitted petition be expedited due to delays caused by the apparent loss of the original petition within the USPTO.

S-92,235

Sincerely,

A handwritten signature in black ink, appearing to read 'Brian J. Lally', with a long horizontal flourish extending to the right.

Brian J. Lally
Registration No. 51,911
Attorney for Applicants
630-252-2042

Attachments

Dated: July 21, 2004

FIELD GROUP: CHI/BJL
FORWARDED: 4-15-04 BY: LCB

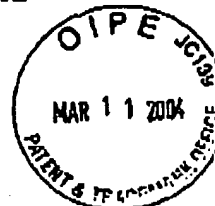
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JUL 21 2004

Paul A. Gottlieb
Assistant General Counsel for Technology Transfer
and Intellectual Property
United States Department of Energy
GC-62 (FORSTL), MS 6F-067
1000 Independence Ave., S.W.
Washington, D. C. 20585-0162
202-586-2810
(FAX 202-586-7127)

OFFICIAL

APPLICANT(S) : Marshall H. Mendelsohn, et al.
SERIAL NO. : 09/842,818
DOE CASE : S-92,235
FILED : April 27, 2001
TITLE : METHOD FOR COMBINED REMOVAL OF MERCURY
AND NITROGEN OXIDES FROM OFF-GAS STREAMS
GROUP : 1741
CUSTOMER NUMBER: 31970



Receipt is acknowledged of the following for the above-identified case:

- ▶ **Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action, w/attachments:**
 - ▶ **Declaration of Betty A. Winchester**

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S-92,235 JUL 21 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

Applicant : Marshall H. Mendelsohn, et al.
Serial No. : 09/842,818
Filed : April 27, 2001
Title : METHOD FOR COMBINED REMOVAL OF MERCURY AND
NITROGEN OXIDES FROM OFF-GAS STREAMS
Group : 1741
Examiner : Medina Sanabria, Maribel
DOE Case No.: S-92,235
Customer No.: 31970



31970

PATENT TRADEMARK OFFICE

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

ATTN: Office of the Deputy Assistant Commissioner for Patents
Petitions Examiner, Building CP3, Room 11A09

Sir:

This Petition is being submitted in response to a Notice of Abandonment dated February 23, 2004 for the above-identified application.

Applicants request that the Holding of Abandonment for the abovementioned application be removed because Applicants never received the original Notice of Allowance (dated October 21, 2003) and thus had no opportunity to respond to the original Notice of Allowance within the statutory 3

1

S-92,235

month period. Applicants only received the Notice of Allowance on February 2, 2004, after Brian Lally, Attorney for Applicants, inquired into the status of the present case.

The Notice of Abandonment states that Applicant failed to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

This Petition transmits documents which should provide satisfactory evidence that the Notice of Allowance referenced in the Notice of Abandonment was not received by Applicant.

The attachment is:

1. Declaration of Betty A. Winchester with attachment

Applicant therefore declares that the Notice of Allowance (dated October 21, 2003) was not received and that the Holding of Abandonment occurred through no fault of the applicants or their representative.

S-02,235

In view of these facts, Applicants attorney respectfully petitions that the
Holding of Abandonment of this application be withdrawn and the Notice of
Allowance be remailed to Applicants with a time period set for response.

Sincerely,



Brian J. Lally
Registration No. 51,911
Attorney for Applicants
630-252-2042

Attachments

Dated: March 10, 2004

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JUL 21 2004

S-92,235

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Marshall H. Mendelsohn, et al.
Serial No. : 09/842,818
Filed : April 27, 2001
Title : METHOD FOR COMBINED REMOVAL OF MERCURY AND
NITROGEN OXIDES FROM OFF-GAS STREAMS
Group : 1741
Examiner : Medina Sanabria, Maribel
DOE Case No.: S-92,235
Customer No.: 31970

OFFICIAL



**DECLARATION OF BETTY A. WINCHESTER
IN SUPPORT OF
PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

ATTN: Petitioners Examiner

Sir:

I, Betty A. Winchester, hereby declare:

That I am a Paralegal Specialist in the Office of the Assistant General
Counsel for Technology Transfer and Intellectual Property of the United States
Department of Energy;

That I was in that position in October 2003;

S.N. 09/842,818**S-92,235**

That my duties at that time included the processing of all domestic Notices, Office Actions and other forms of Communications received from the U.S. Patent and Trademark Office (PTO);

That our office procedure is that all such Notices would be delivered to me by the person who opens the mail, unless I personally opened the mail, in which case I take them to my desk;

That I maintain a computerized record of all received Notices of Allowance and Office Actions due, as well as other papers from the U.S. Patent and Trademark Office (PTO);

That I maintain a file wrapper record of all received Notices of Allowance and other PTO documents;

That upon receiving a Notice of Allowance from the PTO, I enter the action code and the due date into the database;

That upon receiving a Notice of Allowance from the PTO, I would place a copy of the Allowance in the file and enter a record of that paper on the front of the file wrapper;

That attached hereto as Exhibit A is a copy of our file wrapper record of application serial number 09/842,818, showing that the formal application was filed on Apr. 27, 2001, and other notices or communications/office actions received from the United States Patent and Trademark Office for this case;

S.N. 09/842,818

S-92,235

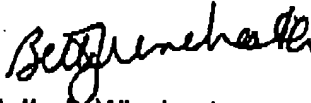
That if a Notice of Allowance for application serial number 09/842,818 had been delivered to me at any time during 2003, I would have processed it as stated above;

That I do not believe a Notice of Allowance for application for application serial number 09/842,818, was ever delivered to me or was ever in any mail opened by me;

That I acknowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of application serial number 09/842,818 or any patent which may be issue thereon.

That all statements made herein are of my own knowledge and belief are true and that all statements made on information and belief are believed to be true.

Respectfully submitted,



Betty A. Winchester
Paralegal Specialist
Office of the Assistant General Counsel for
Technology Transfer and Intellectual Property
U.S. Department of Energy
Washington, D.C.
202-586-2810

Attachment:
Exhibit A

Dated: March 11, 2004

STATUS

SERIAL NO.

TITLE

FILED

ASSIGNED TO

LICENSED TO U.S. GOVERNMENT FOR USE AND REPRODUCTION

RIGHTS

A

DATED

4-12-2001

RECORDED

REEL

15575

FRAME(S)

0354

OFFICE ACTION

RESPONSE DUE

AMENDED

Non Published 4-27-01

1.

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12.

RECEIVED
PATENT NO.

DATED

FOREIGN FILING

CLASSIFICATION

CLASSIFIED

DECLASSIFIED

S.O. RESCINDED

FIELD OFFICE:

CHECK HERE WHEN
ENTERED INTO COMPUTER

PTO Drawing Request

Proposed Drawing Correction Filed

Corrections Requested

Corrections Made

BEST AVAILABLE COPY

BEST AVAILABLE COPY

APPLICANT MENDELSON AND NHOSENGU
 SER. NO. 09/842,818 FILE NO. 5-92,235 PAT. NO.

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JUL 21 2004

**OFFICIAL**

U.S. Department of Energy
Intellectual Property Law Division
Chicago Operations Office
9800 S. Cass Ave.
Argonne, IL 60439

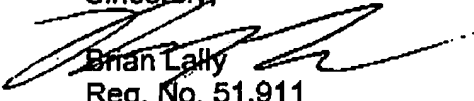
Fax Cover Sheet

DATE: July 21, 2004**To:** Attn: OFFICE OF PETITIONS USPTO **Fax #** 703-872-9306
Voice # -----**From:** Brian Lally
Patent Attorney**Voice#** (630) 252-2042
Fax # (630) 252-2779**Re: PLEASE EXPEDITE-Petition to Withdraw Abandonment****Number of pages including cover:** 12 total number of pages

Message:

I am resending a petition to withdraw abandonment which was originally sent to the USPTO in March of 2004, and having a USPTO date stamp dated March 11, 2004. Apparently the PTO has no record of this petition even though we have a date stamped document showing that the PTO received our original petition back in March. I would greatly appreciate it if you could expediate this petition.

Sincerely,


Brian Lally
Reg. No. 51,911
630-252-2042
brian.lally@ch.doe.gov

PTO/SB/97 (08-03)

Approved for use through 07/31/2008. OMB 0561-0031


U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on 7/21/2004
Date


Signature

Brian Kelly Reg. No. 51,911
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

- fax cover sheet
- Petition resubmission cover sheet
- Petition to Withdraw Abandonment
- Declaration by Betty Winelesky
- Receipt from USPTO - date stamped March 11, 2004

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.